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NORTH DAKOTA SEEKS TO END MINNESOTA'S HUNTING LAWSUIT

BISMARCK – Attorney General Wayne Stenehjem is poised to file a Motion with the US District Court in Bismarck seeking the dismissal of the lawsuit brought by Minnesota Attorney General Mike Hatch last year that challenged North Dakota's non-resident hunting regulations.

The motion will be filed as soon as President Bush signs the Emergency Supplemental Appropriations bill passed by the U.S. Senate last night. That bill provides supplemental funding for the war in Iraq, and the President has said he intends to sign it. Contained within the funding measure is a provision called the Reaffirmation of State Regulation of Resident and Nonresident Hunting and Fishing Act of 2005. The Act provides that it is the intent of Congress that states continue to regulate the fish and wildlife resources within their boundaries, including regulations that "differentiate between residents and nonresidents of such State with respect to the availability of licenses or permits ... the kind and numbers of fish and wildlife that may be taken, or the fees charged in connection with issuance of licenses or permits"

"This Congressional enactment clearly states what we in North Dakota have maintained all along," said Stenehjem. "Congress never intended the Commerce Clause to restrict the states from their historical role in regulating game and fish within their own borders."

"Attorney General Wayne Stenehjem's action today is timely and appropriate," said Governor John Hoeven. "It reaffirms the position we have held all along, which is that the state of North Dakota has the authority to manage its wildlife resources."

The lawsuit brought by Minnesota Attorney General Mike Hatch and Congressman Collin Peterson against North Dakota Governor John Hoeven and Game and Fish Director Dean Hildebrand in March 2004, challenged the validity of North Dakota's waterfowl and "small game" regulations, alleging that nonresidents should be afforded hunting privileges on equal terms with North Dakota hunters.

"While we have always believed we would ultimately prevail in this litigation, this law makes it abundantly clear that there is no Commerce Clause prohibition on the traditional role of the states in regulating its game and fish resources, and it should lead to a swift dismissal of Minnesota's misguided lawsuit," Stenehjem said.

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